

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 12/8/2015	(3) CONTACT/PHONE Ray Dienzo, Senior Water Resources Engineer (805) 781-2110	
(4) SUBJECT Submittal of a resolution appointing one Director and one Alternate Director to the Los Osos Groundwater Basin Management Committee. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the attached resolution appointing Supervisor Bruce Gibson as Director and Deputy Director of Public Works Mark Hutchinson as Alternate Director to the Los Osos Groundwater Basin Management Committee (Basin Management Committee).			
(6) FUNDING SOURCE(S) Flood Control General	(7) CURRENT YEAR FINANCIAL IMPACT \$12,000.00	(8) ANNUAL FINANCIAL IMPACT \$12,000.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: 7/14/15, #24	
(17) ADMINISTRATIVE OFFICE REVIEW David E. Grim			
(18) SUPERVISOR DISTRICT(S) District 2			

Reference: 15DEC08-C-9

County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works

Ray Dienzo, Senior Water Resources Engineer

Courtney Howard, Water Resources Division Manager

VIA: Mark Hutchinson, Deputy Director of Public Works

Wade Horton, Director of Public Works

DATE: 12/8/2015

SUBJECT: Submittal of a resolution appointing one Director and one Alternate Director to the Los Osos Groundwater Basin Management Committee. District 2.

RECOMMENDATION

It is recommended that the Board adopt the attached resolution appointing Supervisor Bruce Gibson as Director and Deputy Director of Public Works Mark Hutchinson as Alternate Director to the Los Osos Groundwater Basin Management Committee (Basin Management Committee).

DISCUSSION

Background

On February 13, 2004, the Los Osos Community Services District (LOCSD) filed a Complaint in San Luis Obispo County Superior Court for Declaratory and Injunctive Relief and Adjudication of Water Rights (Complaint) against Golden State Water Company (GSWC), S&T Mutual Water Company (S&T), the County, and Sea Pines Golf Course (Action). According to the Complaint, the LOCSD brought the Action for the purposes of protecting the water resources of the Los Osos Groundwater Basin (Basin), protecting its own rights and interests with respect to the Basin, and to facilitate efforts to cooperatively manage the Basin.

On May 25, 2005, the Court approved a Stipulation of Parties as to a Standstill Agreement that stayed all pleadings in the Action to allow the parties to hold settlement discussions. The standstill agreement was extended on several occasions.

On August 5, 2008, the Court approved an Interlocutory Stipulated Judgment (ISJ) between LOCSD, GSWC, S&T and the County (Parties).¹ The ISJ provided that the Parties would form a

¹ Sea Pines Golf Course was dismissed from the Action on or about December 19, 2006.

Working Group to undertake technical studies of the Basin's water resources and to adopt a basin management plan. The Working Group completed a public review draft of a basin management plan in August 2013. Written public comments were received and the LOCSD hosted a special meeting to present the plan and received oral comments. Public comments were reviewed and considered. Further studies were performed which included a peer review, a sea water intrusion study, and a creek discharge feasibility study. These studies were considered and incorporated as appropriate into the Updated Basin Management Plan released in January 2015 (Basin Plan) and made available to the public. The Basin Plan and a draft of the Stipulated Judgement between the Parties was presented to your Board on July 14, 2015 and was received and filed.

On September 15, 2015, the Parties posted a final version of the Stipulated Judgment and the Basin Plan online and sent a notification to all property owners owning land within the area covered by the Basin Plan (Basin Plan Area) and outside of purveyor service areas, and all identifiable property owners owning land within purveyor service areas on which a private well is located, that a hearing to present the Stipulated Judgment and Basin Plan was to be held on October 14, 2015.

On October 14, 2015, Judge Martin J. Tangeman of the San Luis Obispo Superior Court signed an order approving the Stipulated Judgment and Basin Plan.

Basin Management Committee

The purpose of today's action is for your Board to appoint a Director and Alternate Director to represent the County on the Basin Management Committee consistent with the requirements of the Stipulated Judgment. Staff from the Public Works Department, the Planning Department, the County Counsel's Office and other applicable County departments will serve as staff to the Director (and Alternate Director) as necessary.

The Stipulated Judgment creates the Los Osos Groundwater Basin Management Committee (Basin Management Committee) to implement the Stipulated Judgment and the Basin Plan and to engage in such other activities as may be necessary and appropriate to ensure the Plan's successful implementation, once a designated source(s) of funding has been established. The meetings of the Basin Management Committee are open to the public unless they are properly designated as a confidential session. Any vote on Basin Management Committee matters by the County Director (or Alternate Director) will be weighted twenty percent (20%); except that certain enumerated matters require the unanimous approval of all Directors (e.g. authorizing or implementing any material change to the Basin Plan and approval, revision or ratification of the Basin Management Committee budget).

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel is providing legal guidance on all aspects of the County's participation in the implementation of Basin Plan and Stipulated Judgment.

Other local agencies involved include Golden State Water Company, Los Osos Community Services District, and S&T Mutual Water Company.

FINANCIAL CONSIDERATIONS

Costs incurred by the County in establishing a designated funding source to fund the administrative expenses of the Basin Management Committee will be paid for in each respective budget. The Stipulated Judgment provides for reimbursement of these costs by the Parties.

As indicated above, implementation of the Stipulated Judgment and Basin Plan requires establishment of a designated source of funding, and it is anticipated that this will be the highest priority task of the Basin Management Committee after adopting its operating rules and regulations. Similar to the recent action taken with respect to the Paso Robles Groundwater Basin, Section 5.13 of the Stipulated Judgment provides that the parties anticipate that the San Luis Obispo County Flood Control and Water Conservation District will establish a zone of benefit coterminous with the Basin Plan Area, and seek approval of a special tax or assessment within said zone to cover the administrative costs of the Basin Management Committee and such other costs as deemed appropriate by the Parties. Staff is working on the proposed funding plan and will likely be returning to your Board as the Board of the Flood Control District early next year.

RESULTS

Approval of the recommended action will fulfill the County's representation on the Los Osos Basin Management Committee and will contribute to the County's goals of promoting safe, healthy and livable communities.

ATTACHMENTS

1. Los Osos Stipulated Judgment dated 10/14/2015 - signed
2. Joint Request for Approval of Stipulated Judgment and Updated Basin Management Plan, January 2015
3. Resolution appointing one Director and one Alternate Director to the Los Osos Groundwater Basin Management Committee

File: 300533.02 Los Osos BMC

Reference: 15DEC08-C-9

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